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ABSTRACT

School district organization in Wisconsin was never intended to be permanent or static. Changes in school district organization are a normal, ongoing process necessary to keep pace with changing needs, expectations, and conditions. Wisconsin has four different types of school districts--common school districts, Union High school districts, unified school districts, and City of the First Class school districts. This document contains state statutes that specify the authority and responsibilities of the various school districts. The document provides information on the composition, duties, and election of school board members; school district powers and duties; and requirements for district meetings and reporting. A chart compares the basic characteristics of common and unified school districts, and another illustrates changes in the types and numbers of Wisconsin school districts from 1937 to 1994. (LMI)

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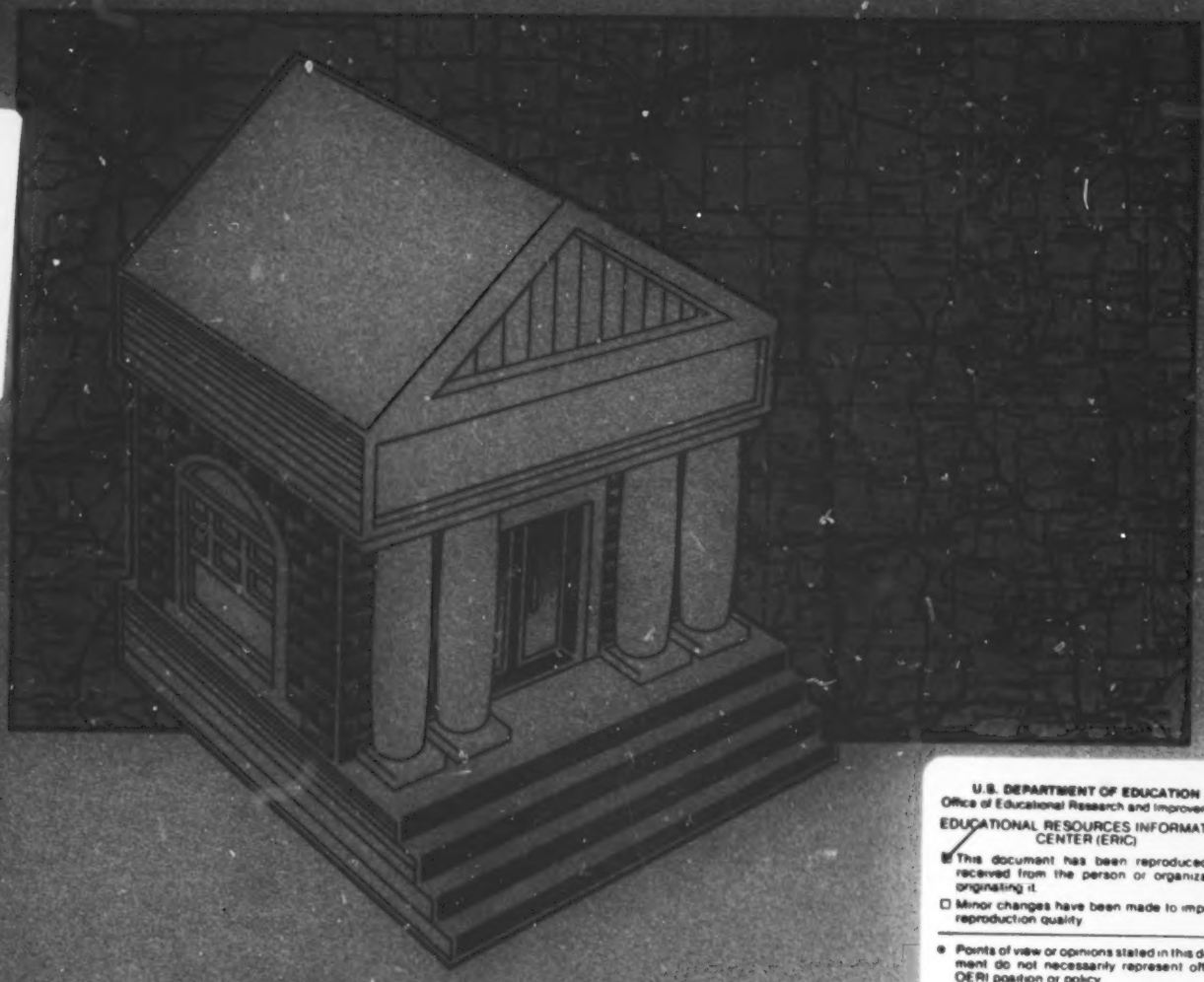

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PATTERNS OF GOVERNMENT FOR

Wisconsin School Districts

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Patterns of Government for Wisconsin School Districts

Prepared by

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Introduction

Local School Districts are unique to the United States where education has been clearly established as a function of the state, but where considerable responsibility for the operation, control and support of schools has been delegated to the local school districts. With powers conferred by the state, districts have assumed such responsibilities as planning and administering the school budget, levying taxes, employing and supervising personnel, constructing and equipping buildings, and determining curriculum content. Although legally a creature of the legislature, which can abolish, combine, or create districts, and abrogate or modify their powers as it sees fit, the local school district remains the basic instrument of governance over the schools. A school district comprises the area served by a school system under a single board of education. The locally elected board is the legally designated governing body with the responsibility for the care, control and management of the property and affairs of the district.

The school district provides the organizational structure needed to marshal and utilize the resources available for educational programs and services to children and youth. The organizational structure is not an end in itself but rather, along with staff members, facilities, equipment and materials, a means of providing the setting in which learning can best take place.

Our State Constitution directed the establishment of district schools "...which shall be as nearly uniform as practicable..." The development of educationally sound and financially adequate districts serving all areas of the state is essential if this goal of equal and quality educational opportunities for all Wisconsin children and youth to be realized.

A district is considered adequate if it is capable of providing "...a comprehensive school program of offerings and services which meet the present and future educational needs of the children...and which can function with efficiency and at a justifiable cost to the local taxpayer and to the state." So long as the district is able to effectively and efficiently provide for the educational needs of the area it serves, it can be considered a satisfactory unit but when it is unable to do the job for which it has been created, it traditionally has been modified. School district organization, therefore, has never been permanent or static nor was it ever intended to be. Changes in school district organization are a normal, on-going process necessary to keep pace with changing needs, expectations, and conditions. Through the years school districts in Wisconsin have undergone more continual and dramatic changes in types and numbers than any other type of governmental unit. These changes are shown on page 2.

Types of Wisconsin School Districts

All territory in the state must be included either in a single school district operating both elementary and high school grades, or in a district operating elementary school grades and in a district operating high school grades. All districts have school boards responsible for the control and management of the property affairs of the school district. All districts aare fiscally independent and separate entities. However, the ultimate local authority rests with the electors of the district.

There are four different types of school districts in Wisconsin. The common school district is by far the most prevalent. The different types of districts and their basic unique characteristics are:

1. **Common School District** -- has an annual meeting at which any district elector is eligible to attend, speak, and vote. The tax levy is approved by the electors at this meeting. At one time the one-room rural school district, with over 6,000 in operation, was the most numerous type of common school district in the state however none of these districts exist today. The following two types of common school districts operate today:

a. Elementary districts operating grades K-8 or 1-8 with three or more teachers.
b. K-12 or twelve grade districts.

2. **Union High School District** -- provides programs for high school grades (9-12) only with elementary programs provided by separate elementary school districts. Union High School districts have an annual meeting, are administered in the same way, and are governed by the same basic laws as common school districts.

3. **Unified School District** -- the newest type of Wisconsin school district created by the legislature in 1959. A unified district does not hold an annual meeting. The board of education, which is directly responsible to the electors, has the powers and duties of the school board and the annual meeting in a common school district. This type of school district was designed to incorporate the best features of the common and former city school districts especially to meet the needs of larger school systems emerging in urban and urban-rural areas.

4. City of the First Class -- Milwaukee is the only school district of this type, which is also known as a special charter district because one entire chapter of the state statutes, Chapter 119, is devoted to it. It is a fiscally independent district administered by a 9-member board of education which operates very much like a unified district with the exception of tax limitations for operation and debt retirement.

TYPES AND NUMBERS OF WISCONSIN SCHOOL DISTRICTS
July, 1994

SCHOOL DISTRICT TYPES		Number	Pct.of Total
1. Common School Districts		370	86.0%
Grades I- or 1-8	46		
Grades K- or 1-12	324		
2. Union High School Districts		10	2.3%
3. Unified Districts		46	11.4%
Grades K-8	1		
Grades K-12	45		
4. City of the First Class (Milwaukee)		1	0.2%
TOTALS		427	100.0%

Changes in The Types and Numbers of WISCONSIN SCHOOL DISTRICTS 1937 TO 1994

School Year	COMMON SCHOOL DISTRICTS					OTHER TYPE DISTRICTS				Total Districts
	Elementary Districts									
	Non-Oper.	One-Room Rural	Two or More Teachers	Total Elem.	Total K- or 1-12	Union High School (9-12)	City School (K-12)	Unified (K-12)[a]	City of 1st Class	
1937-38	472	6,181	698	7,351	240	82	103	—	1	7,777
1947-48	1,074	3,845	699	5,618	231	81	114	—	1	6,045
1957-58	29	2,380	743	3,152	220	80	115[b]	—	1	3,568
1967-68	3	7	106	116	309	23	47[b]	14	1	510
1979-80	0	0	50	50	313	10	41[c]	18	1	433
1982-83	0	0	50[d]	50	321	10	4	47	1	433
1989-90	0	0	47[d]	47	323	10	0	48	1	429
1990-91	0	0	47[d]	47	322	10	0	48	1	428
1992-93	0	0	47[d]	47	321	10	0	48		427
Change 1937-1993	-472	-6,181	-651	-7,304	+81	-72	-103	+48	NC	-7,350
Percent Change	-100	-100	-93.3	-99.4	+33.8	-87.8	-100	+100	NC	-94.5

[a] The Unified District Plan of school government was created by the legislature in 1959.

[b] Includes two city elementary districts.

[c] Includes one city elementary district.

[d] Includes one unified elementary district.

Revised July 1994

A Comparison of Some of the Basic Characteristics of Common and Unified School Districts in Wisconsin

Characteristics	*Type of School Districts*	
	Common School Districts[a]	**Unified School Districts**
Administrative Control	School board and electors at the annual school district meeting (ss. 120.10, 120.12).	School board–no annual meeting and school board is directly responsible to the electors (s. 120.44).
School Board Number of Members	3, 5, 7, or 9 members elected at large or at large to numbered seats; up to 11 members with an area plan of apportionment (ss. 120.01, 120.02).	5, 7, or 9 members elected at large; may adopt an area plan of apportionment or elect to numbered seats (s. 120.02(2)).
When Elected	Elected at large at spring election (s. 120.06).	Elected at large at spring election (s. 120.06).
When Office Assumed	4th Monday in April (s. 120.06(4)).	4th Monday in April (s. 120.06(4)).
Ownership of School Property	Title is held in the name of the school district (s. 120.12(1)).	Title is held in the name of the school district (s. 120.44(1)).
Fiscal Control Annual Budget	Budget prepared by school board and submitted to the electors at a duly noticed budget hearing at the time of the annual meeting (s. 65.90). The board may, on or before November 1, increase or decrease the levy voted to operate and maintain the schools if it is found to be insufficient or in excess of the amount needed (s. 120.12(3)). July 1 through June 30 following. Annual meeting (s. 120.10) and school board (s. 120.12(3)). Constitution limits indebtedness to 10% of the equalized valuation in K-12 districts; 5% in all others. (Article XI, Section 3, and s. 67.03). District has borrowing authority pursuant to Chapter 67. District state trust fund borrowing authority pursuant to Chapter 24. State trust fund loan may be approved by electors at an annual or Special District Meeting.	Budget is prepared by the school board and submitted to the electors at a duly noticed budget hearing (s. 65.90). July 1 through June 30 following. School board (s. 120.44). District has borrowing authority pursuant to Chapter 67. District state trust fund borrowing authority pursuant to Chapter 24. Bond issues in excess of $5,000 pursuant to s. 67.05 must be approved by the electors in a referendum. Loans in excess of $5,000 may be subject to the referendum (s. 67.12(12)).

[a] Also applicable to union high school districts (s. 120.001).

Common School Districts

General Characteristics

1. Most common school districts operate both elementary and high school grades although some operate elementary grades only. Territory in a common elementary district must also be in a union high school district.

2. The common school district has an annual meeting of electors which has broad powers and authority including voting taxes for the operation of the schools and for other purposes specified by law.

3. Boards may have 3, 5, 7, or 9 members elected at large, or at large to numbered seats, or up to 11 members with an apportionment plan.

4. Common school districts budget on a July 1 to June 30 fiscal year.

CHAPTER 120

SCHOOL DISTRICT GOVERNMENT
SUBCHAPTER I

COMMON AND UNION HIGH SCHOOL DISTRICTS

120.001 Applicability.
120.01 Number of school board members.
120.02 Method of changing number, apportionment or election of school board members.
120.05 School board officials.
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SUBCHAPTER II

UNIFIED SCHOOL DISTRICTS

120.40 Applicability.
120.41 Composition of school board.
120.42 Election of school board members.
120.43 School board meetings.
120.44 School board powers and duties.

SUBCHAPTER I

COMMON AND UNION HIGH SCHOOL DISTRICT

120.001 APPLICABILITY. This subchapter applies to common and union high school districts.

120.01 NUMBER OF SCHOOL BOARD MEMBERS. In common or union high school districts, school boards shall be composed of the following number of members:

(1) A common school district operating elementary grades or a union high school district shall have 3 school board members, except that if such school district is coterminous with a town or has a population of 500 or more it may have 5 school board members.

(2) A common school district operating elementary and high school grades may have 3, 5, 7 or 9 school board members.

(3) A common or union high school district may have not exceeding 11 school board members if a plan of apportionment is established under s. 120.02 (2).

120.02 METHOD OF CHANGING NUMBER, APPORTIONMENT OR ELECTION OF SCHOOL BOARD MEMBERS.

(1) CHANGE IN NUMBER OF SCHOOL BOARD MEMBERS. If, at least 30 days prior to the day of the annual school district meeting, in a common or union high school district, or at least 45 days prior to the day of the election of school board members in a unified school district, a petition conforming to the requirements of s. 8.40 requesting a change in the number of school board members is filed with the school district clerk. The clerk shall

incorporate in the notice of the annual meeting or election a statement that at the meeting or election the question of changing the number of school board members to the number requested in the petition will be voted upon. The petition shall be signed by not less than 100 electors residing in the school district, except that in school districts which contain, in whole or in part, a city of the 2nd or 3rd class, the petition shall be signed by not less than 500 electors residing in the school district. If, at the meeting or election of school board members, a resolution based on a petition requesting a change in the number of school board members is adopted by a majority vote, school board members shall be elected at the next school board election and thereafter in accordance with sub. (3).

(2) PLAN OF APPORTIONMENT. (a) If, at least 30 days prior to the day of the annual meeting, in a common or union high school district, or at least 45 days prior to the day of the election of school board members in a unified school district, a petition conforming to the requirements of s.8.40 requesting the establishment of a plan of apportionment of school board members is filed with the school district clerk the clerk shall incorporate notice of receipt of such petition in the notice of the annual meeting or election. The petition shall specify the proposed plan of apportionment of school board members among the cities, towns and villages or parts thereof within the school district and set the total number of school board members at not more than 11. The petition shall be signed by not less than 100 electors residing in the school district, except that in school districts which contain, in whole or in part, a city of the 2nd or 3rd class the petition shall be signed by not less than 500 electors residing in the school district. If a majority vote of the annual meeting or election approves the plan set forth in the petition, the plan shall remain in operation until revised by the same procedure. School board members elected under this subsection shall be elected by a vote of the electors of the entire school district in accordance with the plan prepared under sub. (3).

(b) An order of school district reorganization issued under s. 117.08, 117.09 or 117.27 may contain such a plan of apportionment of school board members, and the determination of terms of school board members shall be as provided in sub. (3).

(3) ELECTION PLAN. (a) If a common, unified or union high school district votes to increase the number of school board members, the school district clerk shall promulgate, before the next election of school board members, a plan providing:

1. The number of school board members to be elected each year, distributing the number as evenly as possible.

2. The total number of positions to be filled at the first election for 1, 2 or 3 years.

3. An allocation of the number of candidates to be elected to 1, 2 and 3 year terms at the first election, the 3-year terms to be filled by the appropriate number of candidates receiving the highest number of votes, the 2-year terms to be filled by the appropriate number of candidates receiving the next highest number of votes and the 1-year terms to be filled by the appropriate number of candidates receiving the next highest number of votes.

(b) In case of a tie vote in the election of school board members, the election shall be determined by lot and the loser by lot shall become next in order of election if additional positions on the school board are to be filled.

(c) The tenure of school board members whose terms have not expired shall not be affected.

(d) If a school board in its order changing a school district type under s. 117.27 designates a school board of 5, 7 or 9 members, it shall prepare a plan for allocating terms in accordance with this subsection.

(e) Whenever a school district with more than 3 school board members votes to reduce the number of school board members, one less school board member shall be elected annually thereafter until the school board is reduced to the approved number of members, but not less than one member shall be elected each year.

(4) ELECTION TO NUMBERED SEATS. If, at least 30 days prior to the day of the annual meeting, in a common or union high school district, or at least 45 days prior to the day of the election of school board members in a unified school district, a petition conforming to the requirements of s.8.40 which sets forth a plan for the assignment of a number to each seat on the school board is filed with the school district clerk, the school district clerk shall incorporate notice of receipt of such petition in the notice of the annual meeting or election required under s. 120.06 (8) (c). The petition shall be signed by not less than 100 electors residing in the school district, except that in school districts which contain, in whole or in part, a city of the 2nd or 3rd class, the petition shall be signed by not less than 500 electors residing in the school district. If a majority vote of the annual meeting or election approves the plan set forth in the petition, the plan shall remain in operation until revised by the same procedure.

120.05 SCHOOL BOARD OFFICIALS. (1) (a) The members of a school board shall be the officers of a school district.

(b) In the case of a 3-member school board, the school district president, treasurer and clerk shall constitute the school board. At the first election of a 3-member school board, the clerk shall be elected for a one-year term, the treasurer for a 2-year term and the president for a 3-year term.

(c) In the case of a school board with more than 3 members, the school board shall annually elect a school district president, vice president, treasurer and clerk from among its members at a school board meeting held on or within 30 days after the 4th Monday in April.

(d) A school district officer shall be a resident of the school district in which the officer serves. A school district officer who represents an apportioned area pursuant to a plan adopted under s. 120.02 (2) shall be a resident of the apportioned area for which he or she is elected or appointed at the time the officer takes the oath of office. If a school district officer who represents an apportioned area ceases to be a resident of that area after beginning his or her term but continues to be a resident of the school district, the officer may continue to serve for the balance of the term for which he or she was elected or appointed.

(2) If the territory of a common school district and a union high school district is identical, the school board of the common school district shall constitute the school board of the union high school district.

(3) If the school district president, vice president, treasurer or clerk of any school board is unable to discharge the duties of the office due to disability or absence, the school board may appoint a person to discharge the duties of such person until the disability or absence no longer exists. In the case of a 3-member school board the appointee shall be an elector of the school district. In the case of a larger school board the appointee for the president shall be the vice president and the appointee for the other officers shall be another school board member. The school board shall determine the compensation of such appointees. A person acting as school district clerk or school district treasurer shall have the powers of a deputy and shall take and file an official bond covering the person's acts unless the bond of such officer includes a bond for the officer's deputy. This subsection does not apply to vacancies caused by absence from the school district for a period exceeding 60 days covered by s. 17.03 (4).

120.06 ELECTION OF SCHOOL BOARD MEMBERS. In a common or union high school district:

(1) The school board shall be elected at the spring election.

(2) School board members shall be electors of the school district and shall be elected at large by a plurality vote of the electors of the school district.

(3) The regular terms of school board members shall be 3 years, except as otherwise provided under s. 17.26.

(4) School board members elected for regular or unexpired terms shall take office, provided they have taken and filed the official oath, on the 4th Monday in April.

(5) If elector registration is required under s. 6.27 in a city, village or town lying wholly or partially within a school district, the same requirement shall apply to electors for school board members within such city, village or town, and provisions shall be made for identifying the electors of the city, village or town who are eligible to vote at the primary and spring elections for school board members.

(6) (a) In a school district which does not contain territory lying within a 2nd class city, the school board may, or in a common or union high school district the school board or annual meeting may, by resolution adopted not later than the last Tuesday in November preceding an election for members of the school board, require that nomination papers be filed by all candidates seeking election to the school board. If the school board or annual meeting has previously required the filing of nomination papers in such a school district, the body imposing the requirement may, by similar resolution adopted not later than the last Tuesday in November preceding an election for members of the school board, rescind the requirement.

(b) No later than the first Tuesday in December prior to the spring election, the school district clerk shall publish a type A notice of the school district election under s. 10.01 (2) (a). No later than 5 p.m. on the first Tuesday in January prior to the spring election, or on the next day if Tuesday is a holiday, any qualified elector of the school district may file a

sworn declaration of candidacy with the school district clerk in the form provided in s. 8.21 at the place specified in the notice. If the school district contains territory lying within a 2nd class city, or if the school board or annual meeting requires nomination papers under par. (a), any qualified elector of the school district who desires to be a candidate shall in addition file nomination papers in the form prescribed under s. 8.10 (2) and (3) with the school district clerk at the place specified in the notice. If an incumbent fails to file a declaration of candidacy, and nomination papers, where required, within the time prescribed by this paragraph, all candidates for the office held by the incumbent, other than the incumbent, may file a declaration of candidacy and nomination papers, where required, no later than 72 hours after the latest time prescribed in this paragraph. No extension of the time for filing a declaration of candidacy or nomination paper applies if the incumbent files written notification with the school district clerk, no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed in this paragraph for filing declarations of candidacy, that the incumbent is not a candidate for reelection to his or her office, and the incumbent does not file a declaration of candidacy for that office with the time prescribed in this paragraph. In the case of a 3-member school board, the qualified elector shall state in his or her declaration of candidacy and on the face of his or her nomination papers, if any, the office for which the elector is a candidate. In the case of an apportioned or numbered school board, the qualified elector shall state in his or her declaration of candidacy and on the face of his or her nomination papers, if any, the apportioned area or numbered seat for which the elector is a candidate. If a candidate has not filed a registration statement under s. 11.05 by the time he or she files a declaration of candidacy, the candidate shall file the statement with the declaration. A candidate shall file an amended declaration under oath with the school district clerk in the event of a change in any information provided in the declaration as provided in s. 8.21.

(7) (a) No later than 5 p.m. on the 2nd Tuesday in January, the school district clerk shall verify the declarations of candidacy and certify the names of candidates who have filed valid nomination papers, where required, and who qualify for office. In making verifications or certifications, the school district clerk shall designate the form of each candidate's name to appear on the ballot in the manner prescribed in s. 7.08 (2) (a). Once filed, a declaration of candidacy or nomination papers may not be withdrawn.

(b) The school board shall require a primary election if there are more than 2 candidates for any seat on a 3-member board or more than twice as many candidates as there are members to be elected to an unnumbered school board of more than 3 members. In school districts in which a plan of apportionment of school board members under s. 120.02 (2) or a plan for election of school board members to numbered seats has been adopted, the school board shall require a primary election for particular apportioned areas for which there are more than twice as many candidates as there are members to be elected and for any numbered seat for which there are more than 2 candidates. When there is a primary election it shall be held in conjunction with the spring primary.

(8) The school district clerk shall:

(a) Notify the municipal clerk of each municipality lying wholly or partially within the school district of the primary election if one is to be held and of the spring election and furnish such clerks with a copy of the notice of the school board election;

(b) Determine for the primary, if any, and again for the spring election the order in which the names of candidates are printed on the ballot by supervising the drawing of lots not later than the 7th day following the last day for filing written declarations of candidacy and nomination papers and the 2nd day following the completion of the canvass of the primary election, if any;

(c) Cause to be given a class 1 notice, in accordance with ch. 985, on the Monday before the primary election, if one is to be held, and on the Monday before the spring election. If publication is made in a newspaper which does not publish on Monday, publication shall be made on the closest preceding day on which the newspaper publishes. If the school district clerk determines that due to the method of delivering newspapers in the school district more effective notice will be provided by publication at an earlier date, the school district clerk may publish the notice not earlier than 3 days before the primary or election. The notice shall contain the following information:

1. The date of the election;

2. The names of all candidates in the order in which they are listed on the ballot;

3. The location and open hours of polling places and a designation of which persons should vote at each polling place; and

4. A facsimile ballot and the relevant portions of the voting instructions under s. 10.02 (3).

(d) Where paper ballots are utilized at a spring primary or election, provide the municipal clerk an adequate supply of ballots for the primary or election at least 22 days before the primary or election;

(e) Receive all ballots after they have been counted, reported and secured;

(f) After the spring primary, if any, after the spring election, and after any special primary, election or referendum, assure that the returns are canvassed as provided in sub. (14) and s. 7.53 (3).

(g) Retain and supervise the destruction of election materials from the primary, if any, and the spring election pursuant to s. 7.23 insofar as applicable; and

(h) Whenever a recount of a primary or other election is required, assure that the recount is conducted by the municipal and school district boards of canvassers pursuant to s. 9.01.

(9) (a) The primary and spring elections for school board members shall be conducted by the election officials for state and municipal elections. In a school board election held in conjunction with a state, county, municipal or judicial election, the polling places for the state, county, municipal or judicial election shall be the polling places for the school board election and the municipal election hours shall apply. If no state, county, municipal or judicial election is held on the day of the school board election, the school board may set the election hours and the polling places to be used. The election costs shall be charged as provided in ss. 5.68 and 7.03. Election hours set by the school board shall be the same as those provided by the municipal governing body in which the polling place is located, except that if the opening hour is later than 7 a.m., the school board may extend the opening hour to not earlier than 7 a.m.

(b) The school board may not select a polling place to be closed under par. (a) if:

1. Ten percent or more of the electors voting in the last school board election voted at the polling place; or

2. The polling place is located in a municipality which is located entirely within the school district.

(c) The school board shall post a notice on the door of any polling place not selected indicating all polling places selected and open for voting.

(10) Within 8 days after the election or appointment of any person to the school board, the school district clerk shall notify the person of his or her election or appointment. Notice of election shall be provided in the manner prescribed in s. 7.53 (3) (a). On or prior to the day provided for taking office, a school board member shall take and file the official oath.

(11) The absentee ballot provisions of s. 6.84 to 6.89 apply to elections under this section. Voting machines or an electronic voting system shall be used in any city, village or town lying wholly or partially within a school district conducting an election under this section if the machines or system are required under s. 5.40.

(12) An election in accordance with s. 17.26 to fill an unexpired term on a school board shall be held in the same manner as a regular school board election is held. In the case of a school board of more than 3 members, elections to fill unexpired terms shall be held simultaneously with the elections for regular terms, the regular terms to be filled by the appropriate number of candidates receiving the highest number of votes and the unexpired terms to be filled by the appropriate number of candidates receiving the next highest number of votes.

(13) A person attempting to vote at an election of school board members may be challenged as provided in ss. 6.92, 6.925 or 120.08 (3).

(14) The school district clerk shall receive the returns of each school district election, as compiled by the inspectors at each polling place of each municipality in which the school district is contained, from the municipal clerk of that municipality. The school district shall then canvass and determine the results of the election.

(15) Unless otherwise provided by this chapter, s. 117.22, or other applicable law, the elections for school board members shall be guided by the municipal election laws.

120.08 SCHOOL DISTRICT MEETINGS. Every elector of a common or union high school district is eligible to vote at an annual or special meeting of the school district.

(1) ANNUAL MEETING. (a) Common school districts shall hold an annual meeting on the 4th Monday in July at 8 p.m. and union high school districts shall hold an annual meeting on the 3rd Monday in July at 8 p.m. unless the electors at one annual meeting determine to thereafter hold the annual meeting on a different date or hour, or

authorize the school board to establish a different date or hour. No annual meeting may be held before May 15 or after September 30. The first school district meeting in a common or union high school district created under ss. 117.08, 117.09 or 117.27 shall be considered an annual meeting.

(b) The place of the annual meeting shall be in a schoolhouse in the school district. If a schoolhouse which will accommodate the electors is not available, the place of the annual meeting shall be the nearest available place designated by the school board.

(c) The school district clerk shall publish a class 2 notice, under ch. 985, of the time and place of the annual meeting, the last insertion to be not more than 8 days nor less than one day before the annual meeting. The school district clerk shall give like notice for lany adjourned meeting, if the adjournment is for more than 30 days. No annual meeting shall be deemed illegal for want of notice.

(2) SPECIAL MEETING. (a) Upon petition filed with the school district clerk signed by 3% of the number of heads of families residing in the school district as enumerated by the last school census or 100 electors, whichever is less, or upon the motion of the school board in a common or union high school district, a special meeting shall be called by the school district clerk or, in his or her absence, by the school district president or school district treasurer. If the petition includes a subject beyond the power of the special meeting to transact, the school district clerk shall reject such subject and so notify each elector signing the petition.

(b) Notice of a special meeting shall be published as a class 2 notice, under ch. 985. The last insertion shall be not more than 8 days nor less than one day before the day of the special meeting. If no hour for the special meeting is fixed in the notice, it shall be held at 8 p.m.

(c) A special meeting has the powers of the annual meeting. No more than 2 special meetings may be held between annual meetings to consider or act upon the same subject, except that in counties having a population of 500,000 or more no more than 4 such meetings may be held. No tax may be voted at a special meeting, unless notice thereof is included in the notice under par. (b). The amount of the tax proposed to be voted shall be set forth in the notice. The special meeting may vote a tax of a lesser amount than stated in the notice, but not a greater amount.

(3) CHALLENGE. If a person attempting to vote at an annual or special meeting is challenged, the chairman of the meeting shall state to the person challenged the qualifications necessary to vote at the meeting. If such person declares that he or she is eligible to vote and if such challenge is not withdrawn, the chairman shall administer the following oath or affirmation to him: "You do solemnly swear (or affirm) that you are an actual resident of this school district and that you are qualified, according to law, to vote at this meeting". A person taking such oath or affirmation shall be permitted to vote, but if he refuses to take such oath or affirmation that person may not vote.

120.09 CONSIDERATION OF SPECIAL SUBJECT. If in a common or union high school district at least 60 days prior to the annual meeting a petition is filed with the school district clerk signed by 100 electors requesting that the annual meeting consider a special subject or item of business which is a proper subject or item for consideration at the annual meeting, the school district clerk shall incorporate a statement of the subject or item in the notice of the annual meeting. The school district clerk shall prepare the proper ballot to permit voting on the subject or item at the annual meeting. If the petition includes a subject beyond the power of the annual meeting, the school district clerk shall reject that part of the petition which contains such subject and notify the proper person within 20 days of the school district clerk's receipt of the petition. The petition shall designate a person or a representative of an organization to be notified in case of its rejection.

120.10 POWERS OF ANNUAL MEETING. The annual meeting of a common or union high school district may:

(1) CHAIRPERSON AND CLERK. Elect a chairperson and, in the absence of the school district clerk, elect a person to act as the clerk of the meeting.

(2) ADJOURNMENT. Adjourn from time to time.

(3) SALARIES OF SCHOOL BOARD MEMBERS. Vote annual salaries for school board members or an amount for each school board meeting the member actually attends.

(4) REIMBURSEMENT OF SCHOOL BOARD MEMBERS. Authorize the payment of actual and necessary expenses of a school board member when traveling in the performance of duties and the reimbursement of a school board member for actual

loss of earnings when duties require the school board member to be absent from regular employment.

(5) BUILDING SITES. Designate sites for school district buildings and provide for the erection of suitable buildings or for the lease of suitable buildings for a period not exceeding 20 years with annual rentals as fixed by the lease.

(m) REAL ESTATE. Authorize the school board to acquire, by purchase or condemnation under ch. 32, real estate and structures and facilities appurtenant to such real estate necessary for school district purposes.

(6) TAX FOR SITES, BUILDINGS AND MAINTENANCE. Vote a tax to purchase or lease suitable sites for school buildings, to build, rent, lease or purchase and furnish, equip and maintain school district buildings. The tax may be spread over as many years as are required to pay any obligations approved or authorized at the annual meeting including rental payments due in future years under an authorized lease.

(7) TAX FOR TRANSPORTATION VEHICLES. Vote a tax to purchase, operate and maintain transportation vehicles and to purchase liability insurance for such vehicles, and to finance contracts for the use and services of such vehicles.

(8) TAX FOR OPERATION. Vote a tax for the operation of the schools of the school district.

(9) TAX FOR DEBTS. Vote a tax necessary to discharge any debts or liabilities of the school district.

(10) SCHOOL DEBT SERVICE FUND. Vote a tax to create a fund for the purpose of paying all current bonded indebtedness for capital expenditures. All money raised through taxation or otherwise collected pursuant to this subsection shall be deposited by the school district treasurer in a segregated fund. Such money shall not be used for any other purpose, except as provided by s. 67.11 (1), or be transferred to any other fund except by authorization by a two-thirds majority vote of the total number of electors of the school district.

(m) SCHOOL CAPITAL EXPANSION FUND. Vote a tax to create a fund for the purpose of financing all current and future capital expenditures related to buildings and sites. All money raised through taxation or otherwise collected pursuant to this subsection shall be deposited by the school district treasurer in a segregated fund. Such money shall not be used for any other purpose or be transferred to any other fund except by authorization by a majority vote of the electors present at a subsequent annual meeting and only if notice that the issue would be on the agenda was included in the notice of the subsequent annual meeting under s. 120.08 (1)(c).

(11) TAX FOR RECREATION AUTHORITY. Vote a tax for the purposes specified in s. 66.527.

(12) SALE OF PROPERTY. Authorize the sale of any property belonging to and not needed by the school district. If a school site or other lands are to be abandoned which were acquired or are held upon condition that they revert to the prior owner when no longer used for school purposes, the school board shall sell any school buildings thereon or move them to another site within 8 months after the school buildings cease to be used for school purposes or the site ceases to be maintained as a school district playground or park.

(14) LEGAL PROCEEDINGS. Direct and provide for the prosecution or defense of any action or proceedings in which the school district is interested.

(15) TEXTBOOKS. Authorize the school to furnish textbooks under conditions prescribed by the annual meeting or by the school board. The authorization shall continue in effect until revoked by a subsequent annual meeting.

(16) SCHOOL LUNCHES. Direct the school board to furnish school lunches to the pupils of the school district and appropriate funds for that purpose.

(19) CONSOLIDATION OF HIGH SCHOOLS. In a union high school district, vote to consolidate schools or to discontinue a school where more than one high school is operated by the school district.

120.105 ANNUAL MEETING TAXING AUTHORITY. Not withstanding s.120.10 (6) to (8), (10m) and (11), beginning in 1997 the annual meeting of a common or union high school district may not vote a tax for school operations at a rate that exceeds the following on the full value of the taxable property in the school district:

(1) In a union high school district, 3.33 mills.

(2) In a school district operating only elementary grades, 6.67 mills.

(3) In all other school districts, 10 mills.

120.11 SCHOOL BOARD MEETINGS AND REPORTS.

(1) The school board in a common or union high school district shall hold a regular meeting at least once each month at a time and place determined by the school board and may hold special board meetings under sub. (2). A majority of the school board members constitute a quorum at a regular or special school board meeting. The school district president shall preside at school board meetings. In the president's absence, the school district vice president shall preside or, in the case of a 3-member board, the school board may select another school board member to preside. The school district clerk shall record the minutes of school board meetings and, in his or her absence, the school board may select another school board member to act as the clerk of the meeting.

(2) SPECIAL SCHOOL BOARD MEETINGS. A special school board meeting shall be held upon the written request of any school board member. The request shall be filed with the school district clerk or, in the clerk's absence, the school district president who shall notify in writing each school board member of the time and place of the special school board meeting at least 24 hours before the meeting. The notice shall be delivered to each school board member personally or shall be left at the usual place of abode of the school board member or shall be mailed by 1st class mail to the usual place of abode of the school board member so as to arrive at least 24 hours before the special school board meeting. A special school board meeting may be held without prior notice, if all school board members are present and consent, or if every school board member consents in writing even though he or she does not attend.

(3) ANNUAL REPORT OF RECEIPTS AND EXPENDITURES. Before the annual meeting, the school board shall meet to examine the accounts of the school district treasurer and to prepare a full, itemized written report which shall be presented and read at the annual meeting. The report shall state all receipts and expenditures of the school district since the last annual meeting, the current cash balance of the school district, the amount of the deficit and the bills payable of the school district, the amount necessary to be raised by taxation for the support of the schools of the school district for the ensuing year and the amount required to pay the interest and principal of any debt due during the ensuing year. The report also shall include the budget summary required under s. 65.90. The school district clerk shall copy the report, with the action taken thereon, and all other proceedings of the annual meeting in full in the school district record book.

(4) PUBLICATION OF SCHOOL BOARD MEETING PROCEDURES. The proceedings of a school board meeting shall be published within 45 days after the meeting as a class 1 notice, under ch. 985, in a newspaper published in the school district, if any, or publicized by school district-wide distribution prepared and directed by the school board and paid out of school funds. If there is no newspaper published in the school district, the proceedings shall be posted or published as the school board directs. For the purpose of publication, the proceedings shall include the substance of every official action taken by the school board at the meeting and a statement of receipts and expenditures in the aggregate. The school board shall make a detailed record of all receipts and expenditures available to the public for inspection at each school board meeting and upon request.

120.12 SCHOOL BOARD DUTIES. The school board of a common or union high school district shall:

(1) MANAGEMENT OF SCHOOL DISTRICT. Subject to the authority vested in the annual meeting and to the authority and possession specifically given to other school district officers, have the possession, care, control and management of the property and affairs of the school district, except for property of the school district used for public library purposes under s.43.52.

(2) GENERAL SUPERVISION. Visit and examine the schools of the school district, advise the school teachers and administrative staff regarding the instruction, government and progress of the pupils and exercise general supervision over such schools.

(3) TAX FOR OPERATION AND MAINTENANCE. (a) On or before November 1, determine the amount necessary to be raised to operate and maintain the schools of the school district and public library facilities operated by the school district under s. 43.52, if the annual meeting has not voted a tax sufficient for such purposes for the school year. On or before November 6, the school district clerk shall certify the appropriate amount so determined to each appropriate municipal clerk who shall assess the amount certified and enter it on the

tax rolls as other school district taxes are assessed and entered.

(b) If a tax sufficient to operate and maintain the schools of a school district for the ensuing school year has not been determined, certified and levied prior to the effective date of school district reorganization under ch. 117 affecting any territory of the school district, the school board of the affected school district shall determine, on or before November 1 following the effective date of the reorganization, the amount of deficiency in operation and maintenance funds on the effective date of the reorganization which should have been paid by the property in the affected school district if the tax had been determined, certified and assessed prior to the effective date of the reorganization. On or before November 6, the school district clerk shall certify the appropriate amount to each appropriate municipal clerk who shall assess, enter and collect the amount as a special tax on the property. This paragraph does not affect the apportionment of assets and liabilities under s. 66.03.

(c) LOWERING OF TAX VOTED AT ANNUAL MEETING. If on or before November 1 the school board determines that the annual meeting has voted a tax greater than that needed to operate the schools of the school district for the school year, the school board may lower the tax voted by the annual meeting. On or before November 6, the school district clerk shall certify the appropriate amount so determined to each appropriate municipal clerk who shall assess the amount certified to him or her and enter it on the tax rolls in lieu of the amount previously reported.

(d) If on or before November 1 the school board determines that the annual meeting has voted a tax that would violate the limit under subch.VII of ch. 121, the school board shall lower the tax to bring it into compliance with that limit.

(e) Notwithstanding pars. (a) to (d), beginning in 1997 a school board may not levy a tax for school operations at a rate that exceeds the following on the full value of the taxable property in the school district:

(1) In a union high school district, 3.33 mills.

(2) In a school district operating only elementary grades, 6.67 mills.

(3) In all other school districts, 10 mills.

(4) TAX FOR DEBT RETIREMENT. On or before November 1, determine the amount necessary to meet any irrepealable tax obligations or other financial commitments of the school district not otherwise provided for. The school district clerk shall certify the amount apportioned to each appropriate municipal clerk who shall include the amount certified and enter it on the tax rolls as other school district taxes are assessed and entered.

(5) REPAIR OF SCHOOL BUILDINGS. Keep the school buildings and grounds in good repair, suitably equipped and in safe and sanitary condition at all times. The school board shall establish an annual building maintenance schedule.

(6) INSURANCE ON SCHOOL PROPERTY. Keep the school buildings, equipment and other property amply insured. If there are no funds in the school district treasury sufficient to pay the premium, the school board may execute a note for that purpose.

(7) DEPOSITORY. Designate one or more public depositories in which the money belonging to the school district shall be deposited and specify whether the moneys shall be maintained in time deposits subject to the limitations of s. 66.04 (2), demand deposits or savings deposits. When the money is so deposited in the name of the school district, the school district treasurer and bondsmen are not liable for any loss as defined in s. 34.01 (2). The interest on such deposits shall be paid into the school district treasury.

(8) INVENTORY. Annually make an inventory of the school district property.

(9) DISCUSSION OF PUBLIC QUESTIONS. Upon the written application of one-half of the electors of the school district, allow the use of the school buildings or grounds for the free discussion of public questions so far as such use does not interfere, in the opinion of the school board, with the prime purpose of the school buildings or grounds.

(10) CITIZEN ASSOCIATIONS. If the citizens of any community are organized into a nonpartisan, nonsectarian, nonexclusive association for the discussion of public questions or for the promotion of public health by instruction in physical culture and hygiene or by physical exercises, grant to such association the use, when not being used for its prime purpose, of a school building or other school district property which is capable of being used in the work of such association, provide free of charge any necessary light, heat and janitor service and make such other provisions as are necessary for the free and convenient use of such school buildings or property by the association at such times as the association designates. All such gatherings shall be free to the public.

(11) INDIGENT CHILDREN. Provide books and school supplies for indigent children residing in the school district.

(12) SANITARY FACILITIES. Provide and maintain enough suitable and separate toilets and other sanitary facilities for both sexes at each school.

(13) MAIL BOX. Provide and maintain a mail box for each school of the school district located on a rural mail route.

(14) COURSE OF STUDY. Determine the school course of study, with the advice of the state superintendent.

(15) SCHOOL HOURS. Establish rules scheduling the hours of a normal school day. The school board may differentiate between the various elementary and high school grades in scheduling the school day. The equivalent of 180 such days, as defined in s. 115.01 (10), shall be held during the school term. This subsection shall not be construed to eliminate a school district's duty to bargain with the employe's collective bargaining representative over any calendaring proposal which is primarily related to wages, hours and conditions of employment.

(16) IMMUNIZATION OF CHILDREN. (a) In cooperation with local public health agencies and officials specified in s. 250.01(4) develop and implement a plan to encourage compliance with par. (b) and s. 252.04(2) and submit the plan to the department of health and social services by September 1, 1991, and annually thereafter. (b) Require each student to present evidence of completed basic and recall (booster) series immunizations unless the student, if an adult, or the parent, guardian or legal custodian of a minor student submits a written waiver to the school board under s. 252.04(3).

(17) UNIVERSITY OF WISCONSIN SYSTEM TUITION. Pay the tuition of any pupil enrolled in the school district and attending a center or institution within the university of Wisconsin system if the pupil is not participating in the program under s. 118.37, the course the pupil is attending at the university is not offered in the school district and the pupil will receive high school credit for the course.

(18) CONTINUITY OF EDUCATIONAL PROGRAMMING. Coordinate and provide for continuity of educational programming for pupils receiving educational services as the result of a court order under s. 48.34 (12), including but not limited to providing a written report to the court assigned to exercise jurisdiction under ch. 48 and the agency which is required to submit an educational plan for a child under s. 48.33 (1) (e). The written report shall describe the child's educational status and make recommendations regarding educational programming for the child. The written report shall be provided to the court assigned to exercise jurisdiction under ch. 48 and the agency at least 3 days before the date of the child's dispositional hearing.

(19) INTEGRATED SERVICE PROGRAM. If the county board of supervisors establishes an integrated service program for children with severe disabilities under s. 59.07 (147), participate in an integrated service program for children with severe disabilities under s. 59.07 (147) and may enter into written interagency agreements or contracts under the program.

(20) PROHIBITION OF TOBACCO. Prohibit the use of all tobacco products on premises owned or rented by, or under the control of, a school board, except that the school board may allow the use of tobacco products on premises owned by the school district and rented to another person for noneducational purposes.

(21) CONSIDERATION OF EFFECTS ON HISTORIC PROPERTIES. (a) In the earliest stage of planning any action related to the following, determine if its proposed action will affect any historic property that is a listed property, as defined under s. 44.31 (4), or that is on the list of locally designated historic places under s. 44.45:
1. Long-range planning for facilities development.
2. Razing any historic property that it owns. (b) Notify the state historic preservation officer of any proposed action that the school board determines under par. (a) would affect any historic property.

(22) ADVANCED PLACEMENT EXAMINATIONS. Pay the costs of advanced placement examinations taken by pupils enrolled in the school district who are eligible for free or reduced-price lunches in the federal school lunch program under 42 USC 1758.

(23) PUPIL PARTICIPATION IN SCHOOL ACTIVITIES. Annually, adopt a policy on access to extracurricular and recreational school programs and activities that encourages full participation by all elementary grade pupils in these programs and activities. This subsection does not apply to the

school board of a union high school district.

120.13 SCHOOL BOARD POWERS. The school board of a common or union high school district may:

(1) SCHOOL GOVERNMENT RULES; SUSPENSION; EXPULSION. (a) Make rules for the organization, gradation and government of the schools of the school district, including rules pertaining to conduct and dress of pupils in order to maintain good decorum and a favorable academic atmosphere, which shall take effect when approved by a majority of the school board and filed with the school district clerk.

(b) SUSPENDING PUPILS. The school district administrator or any principal or teacher designated by the school district administrator also may make rules, with the consent of the school board, and may suspend a pupil for not more than 3 school days or, if a notice of expulsion hearing has been sent under par.(c) or (e) or s. 119.25, for not more than a total of 15 consecutive school days for noncompliance with such rules or school board rules, or for knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives, or for conduct by the pupil while at school or while under the supervision of a school authority which endangers the property, health or safety of others, or for conduct while not at school or while not under the supervision of a school authority which endangers the property, health or safety of others at school or under the supervision of a school authority or endangers the property, health or safety of any employe or school board member of the school district in which the pupil is enrolled. Prior to any suspension, the pupil shall be advised of the reason for the proposed suspension. The pupil may be suspended if it is determined that the pupil is guilty of noncompliance with such rule, or of the conduct charged, and that the pupil's suspension is reasonably justified. The parent or guardian of a suspended minor pupil shall be given prompt notice of the suspension and the reason for the suspension. The suspended pupil or the pupil's parent or guardian may, within 5 school days following the commencement of the suspension, have a conference with the school district administrator or his or her designee who shall be someone other than a principal, administrator or teacher in the suspended pupil's school. If the school district administrator or his or her designee finds that the pupil was suspended unfairly or unjustly, or that the suspension was inappropriate, given the nature of the alleged offense, or that the pupil suffered undue consequences or penalties as a result of the suspension, reference to the suspension on the pupil's school record shall be expunged. Such finding shall be made within 15 days of the conference. A pupil suspended under this paragraph shall not be denied the opportunity to take any quarterly, semester or grading period examinations or to complete course work missed during the suspension period, as provided in the attendance policy established under s.118.64(4)(a).

(c) EXPELLING PUPILS. The school board may expel a pupil from school whenever it finds the pupil guilty of repeated refusal or neglect to obey the rules, or finds that a pupil knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives, or finds that the pupil engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health or safety of others, or finds that a pupil while not at school or while not under the supervision of a school authority engaged in conduct which endangered the property, health or safety of others at school or under the supervision of a school authority, or endangered the property, health or safety of any employe or school board member of the school district in which the pupil is enrolled, and is satisfied that the interest of the school demands the pupil's expulsion. Prior to such expulsion, the school board shall hold a hearing. Not less than 5 days' written notice of the hearing shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or guardian, specifying the particulars of the alleged refusal, neglect or conduct, stating the time and place of the hearing and stating that the hearing may result in the pupil's expulsion. Upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed. The pupil and, if the pupil is a minor, the pupil's parent or guardian may be represented at the hearing by counsel. The school board shall keep written minutes of the hearing. Upon the ordering by the school board of the expulsion of a pupil, the school district clerk shall mail a copy of the order to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the expulsion to the state superintendent. If the school board's decision is appealed to the state superintendent, within 60 days after the date on which the state superintendent receives the appeal, the state superintendent shall review the decision and shall, upon review, approve, reverse or modify the decision. The decision of the

school board shall be enforced while the state superintendent reviews the decision. An appeal from the decision of the state superintendent may be taken within 30 days to the circuit court of the county in which the school is located. This paragraph shall be printed in full on the face or back of the notice.

(d) No pupil enrolled in a school district operating under ch. 119 may be suspended or expelled from school for truancy.

(e) 1. The school board may adopt a resolution, which is effective only during the school year in which it is adopted, authorizing any of the following to determine pupil expulsion from school under subd. 2 instead of using the procedure under par. (c):

a. An independent hearing panel appointed by the school board.

b. An independent hearing officer appointed by the school board.

2. During any school year in which a resolution adopted under subd. 1 is effective, the independent hearing officer or independent hearing panel appointed by the school board may expel a pupil from school whenever the hearing officer or panel finds that the pupil engaged in conduct that constitutes grounds for expulsion under par. (c). Prior to such expulsion, the hearing officer or panel shall hold a hearing. Not less than 5 days written notice of the hearing shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or guardian, specifying the particulars of the alleged conduct, stating the time and place of the hearing and stating that the hearing may result in the pupil's expulsion. This paragraph shall be printed in full on the face or back of the notice. Upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed. The pupil and, if the pupil is a minor, the pupil's parent or guardian, may be represented at the hearing by counsel. The hearing officer or panel shall keep a full record of the hearing. The hearing officer or panel shall inform each party of the right to a complete record of the proceeding. Upon request, the hearing officer or panel shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the pupil and, if the pupil is a minor, the pupil's parent or guardian. Upon the ordering by the hearing officer or panel of the expulsion of a pupil, the school district shall mail a copy of the order to the school board, the pupil and, if the pupil is a minor, the pupil's parent or guardian. Within 30 days after the date on which the order is issued, the school board shall review the expulsion order and shall, upon review, approve, reverse or modify the order. The order of the hearing officer or panel shall be enforced while the school board reviews the order. The expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the school board's decision to the state superintendent. If the school board's decision is appealed to the state superintendent, within 60 days after the date on which the state superintendent receives the appeal, the state superintendent shall review the decision and shall, upon review, approve, reverse or modify the decision. The decision of the school board shall be enforced while the state superintendent reviews the decision. An appeal from the decision of the state superintendent may be taken within 30 days to the circuit court of the county in which the school is located. This paragraph does not apply to a school district operating under ch. 119.

(2) INSURANCE. (a) Provide for accident insurance covering pupils in the school district. Such insurance shall not be paid from school district funds unless the expenditure is authorized by an annual meeting.

(b) Provide health care benefits on a self-insured basis to the employes of the school district if the school district has at least 100 employes. In addition, any 2 or more school districts which together have at least 100 employes may jointly provide health care benefits on a self-insured basis to employes of the school districts.

c) Any self-insurance plan under par. (b) which covers less than 1,000 employes shall include excess or stop-loss reinsurance obtained through an insurer authorized to do business in this state, for the purpose of covering all eligible claims incurred during the term of the policy or contract.

(d) The commissioner of insurance may prescribe detailed requirements for reinsurance under par. (c) by rule or by order. The commissioner of insurance may promulgate rules governing self-insurance plans under pars. (b) to (g) to ensure that they comply with all applicable provisions of chs. 600 to 647.

(e) All personally identifiable medical and claims records relating to any self-insurance plan under par. (b) shall be kept confidential by the administrator of the self-insurance plan and shall be exempt from disclosure pursuant to s. 19.36 (1). This paragraph does not prohibit the release of personally identifiable records to school district personnel, to the extent that performance of their duties requires access to the records, but only with the prior written informed consent of the insured.

(g) Every self-insured plan under par. (b) shall comply with s. 631.89, 631.90, 631.93 (2), 632.87 (4) and (5), 632.895 (9) and 632.896.

(3) AGREEMENTS WITH GOVERNMENTAL UNITS. Enter into agreements, including leases for a term not exceeding 50 years, with a school board, vocational, technical and adult education district board, city, village, town, county or the state or any department or agency thereof for the purchase, operation and maintenance of land, buildings and equipment for educational purposes, including, without limitation because of enumeration, contracts for the construction or repair of school driveways, roadways and parking areas or for the operation of any school program authorized by law.

(4) ON-FARM TRAINING TO VETERANS. Provide institutional on-farm training to veterans who are eligible for the training under any act of congress.

(5) BOOKS, MATERIAL AND EQUIPMENT. Purchase or otherwise acquire necessary books and stationery, equipment, school apparatus and materials for the use of the schools of the school district and purchase any school books which in its judgment are needed by pupils whose parents are not able to furnish such books.

(6) FEDERAL AID. Apply for, receive and expend moneys made available to it by any act of congress for educational programs, school property and facilities, research, school food service and other school district programs.

(7) EXCHANGE TEACHERS AND ADMINISTRATORS. Exchange any teacher or administrator employed by the school board for a teacher or administrator employed by a school board in another state or country or employed by a college or university, the state, a vocational, technical and adult education district board or a cooperative educational service agency. No exchange may be for a longer period than one year. A teacher or administrator of this state exchanged under this subsection shall be deemed to have taught during the period in the school district by which the teacher or administrator is employed and shall be assessed, for the benefit of the public employe trust fund, the full amount which would have been assessed against the teacher or administrator had the teacher or administrator actually taught in the school district.

(8) FUNDS FOR REWARDS. Establish a reward, not exceeding $500, for information leading to the arrest and conviction of persons who damage or destroy school property or who injure any person while at school or under the supervision of a school authority.

(9) ARCHITECTS AND ENGINEERS. Contract with or employ architects and engineers for the preparation of plans and specifications for school buildings, structures and other improvements to school district property and for all other related services.

(9m) LEGAL SERVICES. Retain an attorney or attorneys to represent the board or school district in any action or proceeding brought for or against the board or district and provide for any other legal service for the welfare of the school district.

(10) SCHOOL FOOD SERVICE. Furnish school meals to pupils and pay for the meals out of school district funds. The school board may charge pupils and employes for the cost of school meals.

(11) NURSES AND DENTISTS. (a) In counties having a population of less than 500,000, employ public health nurses, registered nurses, school nurses, and licensed dentists, who shall be under the supervision of the local board of health as defined in s.250.01(3) and the department of health and social services.

(b) In counties having a population of 500,000 or more, employ qualified public health nurses, school nurses, registered nurses and licensed dentists who shall cooperate with the local board of health, as defined in s.250.01(3) and the department of health and social services.

(12) HISTORICAL RECORDS. Under s. 44.09 (1), transfer title to any school records to the state historical society which are no longer needed for the proper administration of the school district and which the society determines are of permanent historical interest.

(13) PREKINDERGARTEN CLASSES. Establish and maintain classes for children less than 4 years of age under such regulations as it prescribes. The school board may accept and receive federal funds for such purpose and expend such funds in conformity with the purposes and requirements thereof. The school board may charge a reasonable fee for attendance at such classes but may waive the fee or any portion thereof to any person who is unable to make payment.

(14) DAY CARE PROGRAMS. Establish and provide or contract for the provision of day care

programs for children. The school board may receive federal or state funds for this purpose. The school board may charge a fee for all or part of the cost of the service for participation in a day care program established under this subsection. Costs associated with a day care program under this subsection may not be included in shared costs under s. 121.07 (6). Day care programs established under this subsection shall meet the standards for licensed day care centers established by the department of health and social services.

(15) SPECIAL HIGH SCHOOL COURSES. In a union high school district or a common school district operating elementary and high school grades, establish and maintain courses in industrial arts, home economics, agriculture, commercial subjects and such other courses as the school board determines.

(16) SCHOOL BOARD ORGANIZATION; FEE. Pay the membership fee in an organization of school boards in this state and the actual and necessary expenses of its representatives incurred in attending meetings of such organization.

(17) TEMPORARY USE OF SCHOOL PROPERTY. Grant the temporary use of school grounds, buildings, facilities or equipment, upon such conditions, including fees not to exceed actual costs, as determined by the school board, to any responsible person for any lawful nonschool purpose if such use does not interfere with use for school purposes or school-related functions. The school board shall charge a reasonable fee for such use by religious organizations. Fees received under this subsection shall be paid into the school district treasury and accounted for as prescribed under s. 115.28 (13). The user shall be primarily liable, and the school board secondarily liable, for any damage to property and for any expense incurred in consequence of any use of school grounds, buildings, facilities or equipment under this subsection.

(18) PROPERTY FOR ECOLOGICAL, AGRICULTURAL OR VOCATIONAL INSTRUCTION. Subject to the authority of the annual or special meeting to approve the acquisition of real property, acquire real or personal property for ecological, agricultural or vocational instruction, experimentation or other school-related purposes.

(19) COMMUNITY PROGRAMS AND SERVICES. Establish and maintain community education, training, recreational, cultural or athletic programs and services, outside the regular curricular and extracurricular programs for pupils, under such terms and conditions as the school board prescribes. The school board may establish and collect fees to cover all or part of the costs of such programs and services. Costs associated with such programs and services shall not be included in the school district's shared cost under s. 121.07 (6).

(20) OPTIONS TO PURCHASE REAL PROPERTY. Solicit and obtain one or more options to purchase real property and, upon approval of the annual or special meeting, exercise such option.

(21) LECTURES. Provide free lectures on educational subjects in school buildings, public library buildings or other suitable places, and provide for the further education of the adult residents of the school district. The school board may purchase books, stationery, charts and other things necessary to conduct such lectures and may designate a person to manage such lectures.

(22) CABLE TELEVISION AND DATA PROCESSING SERVICES. Enter into leases for a term not exceeding 20 years for acquisition of cable television or data processing services and facilities for educational purposes.

(23) BONDS FOR OFFICERS AND EMPLOYES. Require an officer or employe of the board to give security in such form and amount as the board determines, and may require at any time additional bonds and sureties of any officer or employe.

(24) CONTRACTS WITH OTHER GOVERNMENTAL UNITS. Participate and enter into contracts with school boards and other governmental units as provided under s. 66.30 (6).

(25) LEASE SCHOOL PROPERTY. In addition to any other authority, lease school sites, buildings and equipment not needed for school purposes to any person for any lawful use at a reasonable rental for a term not exceeding 15 years if approved at an annual or special school district meeting.

(26) CONTRACTS WITH PRIVATE EDUCATION SERVICES. Upon the approval of the state superintendent, contract with private education services for pupils who need concurrent education and treatment services, the educational portion of which is not available in the schools in which the pupils are enrolled. Private education services

provided under this subsection may not include religious or sectarian teachings or instruction.

(26m) CONTRACTS WITH COUNTY HANDICAPPED CHILDREN'S EDUCATION BOARDS. Contract with a county handicapped children's education board for special education services. The costs of such services shall be included in the school district's shared cost under s. 121.07 (6). This subsection applies beginning on the effective date of a resolution adopted under s. 115.86 (9)(c).

(27) TRANSPORTATION OF PERSONS WHO ARE NOT PUPILS. (a) Subject to par. (b), the school board may use or allow the use of school buses owned and operated by the school district to transport persons who are not pupils of the school district. School buses may be used by persons who are not pupils of the school district during school hours if such use does not interfere with the transportation of pupils of the school district. The school board shall charge a fee for use of the school buses under this subsection. The fee shall be an amount equal to the actual cost of transportation under this subsection, including but not limited to costs for depreciation, maintenance, insurance, fuel and compensation of vehicle operators. If the school board denies a written request for use of the school buses, the school board shall provide the requester a written statement of the basis for the denial within 14 days after the denial.

(b) No school bus may be used to provide transportation under this subsection unless the vehicle is insured by a policy providing property damage coverage and bodily injury liability coverage for such transportation in the amounts specified in s. 121.53 (1).

(27m) TRANSPORTATION OF INDIGENT PUPILS. Provide transportation to and from school for indigent pupils who reside in the school district and who are not required to be transported under s. 121.54. In this subsection, "indigent pupils" means pupils eligible for free lunches or reduced-price lunches under 42 USC 1758 or aid to 18-year-old students under s. 49.20 or for whom aid to families with dependent children is being received under s.49.19 or any combination thereof, as determined by the school board. If a school board determines to provide transportation under this subsection, there shall be reasonable uniformity in the transportation furnished such pupils whether they attend public or private schools. The cost of transporting pupils under this subsection may not be included in the school district's shared cost under s. 121.07 (6) (a).

(28) RECORDS CUSTODIAN. On behalf of any school district authority as defined in s. 19.32 (1), including the school board, school district officers and any subunit of the school board or school district, designate one or more persons to be legal custodians of records.

(29) BORROWING. Borrow money and issue municipal obligations, as provided in chs. 24 and 67.

(31) SCHOOL CROSSING GUARDS. Upon the adoption of a resolution to do so and approval of the resolution by the governing bodies of all of the cities, villages and towns located in whole or in part within the school district, provide for the appointment of adult school crossing guards for the protection of persons who are crossing a highway in the vicinity of a school. The school crossing guards shall wear insignia or uniforms which designate them as school crossing guards and shall be equipped with signals or signs to direct traffic to stop at school crossings.

(32) SCHOOL BOARD ORIENTATION. Provide for the orientation and continuing education of school board members and persons who have been elected to the school board but have not yet taken office in the general duties and responsibilities of the school board and the school district, and pay for the actual and necessary expenses incurred.

(33) SPENDING AUTHORITY. During the period between July 1 and the final adoption of a budget by the school board after the budget hearing under s. 65.90, spend money as needed to meet the immediate expenses of operating and maintaining the public instruction in the school district.

(34) STREET TRADE AND CHILD LABOR PERMIT OFFICER. Act as permit officer if designated under s. 103.245 (1) (a) and 103.695 (1) (a).

(35) PRESENCE IN SCHOOL BUILDINGS. (a), A school board may adopt rules applicable to persons who enter or remain in a building operated by the school board, including requirements that such persons identify themselves and sign in when entering or remaining in the building or any specified portion of the building and designating time periods during which such persons may enter or remain in the building or any portion of the building.

(b) 1. Except as provided in subd. 2, any person entering or remaining in the building or portions of a building in violation of the school board's rules is subject to a forfeiture of not more than $1,000. Any person entering or remaining in a building or portion of a building in violation of the school boards rules under circumstances tending to create or provoke a breach of the peace may be fined not more than $10,000 or imprisoned for not more than 90 days or both.

2. Subdivision 1 does not apply to pupils, parents of pupils, school district employes or officials or agents of a certified or recognized representative of school district employes who are included in a collective bargaining unit.

120.14 AUDIT OF SCHOOL DISTRICT ACCOUNTS. In a common or union high school district:

(1) At the close of each fiscal year, the school board of each school district shall employ a licensed accountant to audit the school district accounts and certify the audit. The audit shall include information concerning the school district's self-insurance plan under s. 120.13(2)(b), as specified by the commissioner of insurance. If required by the state superintendent under s. 115.28 (18), the audit shall include an audit of the number of pupils reported for membership purposes under s. 121.004 (5). The cost of the audit shall be paid from school district funds. Annually by September 15, the school district clerk shall file a financial audit statement with the state superintendent.

(3) The annual meeting may authorize and direct an audit of the school district accounts by a licensed accountant.

(4) The department shall establish by rule a standard contract and minimum standards for audits performed under this section.

120.15 SCHOOL DISTRICT PRESIDENT; DUTIES. The school district president of a common or union high school district shall:

(1) Countersign all checks, share drafts or other drafts for disbursement of school district moneys.

(2) Defend on behalf of the school district all actions brought against the school district.

(3) Prosecute, when authorized by an annual meeting or the school board, actions brought by the school district.

(4) Prosecute an action for the recovery of any forfeiture incurred under chs. 115 to 121 in which the school district is interested. If the school district president has incurred the forfeiture, such action shall be prosecuted by the school district treasurer. Of the net sum recovered under such action, one-half shall be paid into the school district treasury and one-half to the county treasury for the benefit of the school fund.

(5) Act as chairperson of school board meetings and see that minutes of the meetings are properly recorded, approved and signed. In the absence of the president, the vice president or, in the case of a 3-member board, another school board member selected by the school board, shall act as chairperson of school board meetings.

120.16 SCHOOL DISTRICT TREASURER; DUTIES. The school district treasurer of a common or union high school district shall:

(2) Apply for, receive and sue for all money appropriated to or collected for the school district and disburse the same in accordance with this subsection and s. 66.042. Disbursements from the school district treasury shall be made by the school district treasurer upon the written order of the school district clerk after proper vouchers have been filed with the school district clerk. Such disbursements shall be by order, check, share draft or other draft and no order check, share draft or other draft is valid nor may it be released to the payee unless signed by the school district clerk and school district treasurer and countersigned by the school district president. In a school district having 5 or more school board members, another school board member may countersign such order checks or share draft or other draft in lieu of the school district president. No order check, share draft or other draft may be drawn for the payment of which money has not been appropriated according to law. The school district treasurer may receive money raised in extracurricular activities. The school board may by resolution authorize the use of facsimile signatures as provided in s. 66.042 (3). A certified copy of the resolution shall be filed with the school district clerk and each public depository concerned.

(3) Enter in the treasurer's account books all money received and disbursed by the treasurer, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid.

(4) Present to the annual meeting a written statement of all money received and disbursed by the treasurer during the preceding year.

(5) Immediately upon receipt, deposit the funds of the school district in the name of the school district in a public depository deposit designated by the school board under s. 120.12 (7). Failure to comply with this subsection shall be prima facie grounds for removal from office. When such funds are so deposited, the school district treasurer and his or her bonders are not liable for losses as defined in s. 34.01 (2). The interest derived from such funds shall be paid into the school district treasury.

(6) Withdraw funds of the school district deposited in savings or time deposits by written transfer order in accordance with this subsection and s. 66.042. Written transfer orders may be executed only for the purpose of transferring deposits to an authorized deposit of the school district in the same or another authorized public depository. The transfer shall be made directly by the public depository from which the withdrawal is made. No transfer order is valid unless signed by the school district clerk and school district treasurer and countersigned by the school district president. In a school district having 5 or more school board members, another school board member may countersign transfer orders in lieu of the school district president. The school board may, by resolution, authorize the use of facsimile signatures as provided in s. 66.042 (3). A certified copy of the resolution shall be filed with the school district clerk and each public depository concerned.

120.17 SCHOOL DISTRICT CLERK; DUTIES. The school district clerk of a common or union high school district shall:

(1) Report the name and post-office address of each officer of the school district, within 10 days after the election or appointment of the officer, to the clerk and treasurer of each municipality having territory within the school district.

(2) Act as clerk and record the proceedings of annual and special meetings.

(3) Enter in the record book provided by the school board the minutes of its meetings, orders, resolutions and other proceedings.

(4) Enter in the record book copies of all the school district's clerks reports to the municipal clerks and the certificate of the proceedings of a meeting returned by a temporary clerk.

(5) Draw orders on the school district treasurer as directed by an annual or special meeting or the school board and record all orders drawn on the school district treasurer.

(7) Furnish each teacher with a copy of the contract between him and the school board.

(8) (a) Annually on or before November 6, deliver to the clerk of each municipality having territory within the school district a certified statement showing that proportion of the amount of taxes voted and not before reported, and that proportion of the amount of tax to be collected in such year, if any, for the annual payment of any loan to be assessed on that part of the school district territory lying within the municipality. Such proportion shall be determined from the full values certified to the school district clerk under s. 121.06 (2). (bm) If the equalized valuation of that part of a municipality lying within a school district is reduced due to the removal of property from the tax roll because the imposition of the property tax on that property is found unconstitutional, the school district clerk shall notify the supervisor of equalization. The supervisor of equalization shall reduce the equalized valuation by the full value of the property so removed and certify the resulting equalized valuation to the state superintendent and the school district clerk for use in computing the tax levy certifications under this subsection. Corrections may be made under this paragraph only for the valuations used by the department of public instruction for the last 2 school years. (c) If an order of school district reorganization under c. 117 is effective after January 1 and before July 1 of any year, the school district clerks of the school districts affected shall prepare the statement under par. (a) based on the equalized valuation of the school districts as altered by the order and related to the equalized valuation of the year upon which the tax levy is required to be made. If the school district clerk has filed the statement prior to the effective date of the order, the clerk shall file a corrected certification which shall be accepted by the clerks of the municipalities affected and acted upon by them as provided in par. (a). Failure of the school district clerk to file a corrected certification of the levy based on the equalized valuation of each of the municipalities or portions thereof within the school district shall be corrected by the school district clerk by an appropriate adjustment in the levy certified in the following year.

(9) Within 5 days after receipt of notification from the school board of the name of a new school, notify the proper postmaster of the name and location of the school and the number of the school district. If a school is not located on a mail route, the school district clerk shall furnish the postmaster with the names of persons to whom the mail for the school

may be delivered. The school board may rent a lock box at school district expense for each school not on a mail route. The school district clerk shall notify the postmaster of school vacations and shall direct what disposition shall be made of the school mail during vacations.

(10) Have authority to administer the oath of office to school board members.

120.18 ANNUAL SCHOOL DISTRICT REPORT.

(1) Annually at such time as the department prescribes but after the end of the school year and no later than September 1, the school district clerk of a common or union high school district shall file a verified annual school district report with the department, on forms supplied by the department. The school district clerk shall send a copy of the annual school district report to the school district administrator and shall notify the person in charge of each school in the school district that the reports are on file in the school district clerk's office. Accounting and financial information provided by the school district in the annual report shall be prepared from the system of accounts prescribed by the department. If the school district clerk neglects to make the annual report, the clerk shall be liable to the school district for the whole amount of money lost by the school district because of such neglect. The annual report shall contain:

(a) Except in a union high school district, the school census, showing the numbers and ages of children between the ages of 4 and 20 residing in the school district. The census may be estimated by using statistically significant sampling techniques that have been approved by the state superintendent. Children cared for at a charitable or penal institution of this state may not be included in the report. The school district clerk may employ a competent person to take the school census.

(b) The number of children between the ages of 4 and 20 taught in the schools of the school district during the school year.

(c) The number of children attending the schools of the school district during the school year under the age of 4 and over the age of 20 years.

(d) The number of school days taught, including holidays, by teachers legally qualified to teach.

(e) The names of all teachers employed by the school district during the school year; the number of days taught by each, including holidays; the monthly salary paid to each; and the time allowed each teacher for attendance at an educational convention for which no wages were deducted.

(f) The amount of money received during the school year, designating separately the amount received from the school fund income, from taxes levied by the county board, from taxes voted by the school district and from all other sources and the manner in which such money was expended, showing separately the expenditure of school money received from the state.

(g) The amount and character of school district debts.

(gm) Payroll and related benefit costs for all school district employes in the previous school year. Costs for represented employes shall be based upon the costs of any collective bargaining agreements covering such employes for the previous school year. If, as of the time specified by the department for filing the report, the school district has not entered into a collective bargaining agreement for any portion of the previous school year with the recognized or certified representative of any of its employes and the school district and the representative have been required to submit final offers under s. 111.70 (4) (cm) 6, increased costs limited to the lower of the school district's offer or the representative's offer shall be reflected in the report. The school district shall amend the annual report to reflect any change in such costs as a result of any award or settlement under s. 111.70 (4) (cm) 6 between the date of filing the report and October 1. Any such amendment shall be concurred in by the licensed accountant certifying the school district audit.

(h) Such other facts and statistics in relation to the schools, public or private, in the school district as the department requires.

(3) The state superintendent may promulgate rules to implement and administer this section.

120.21 SCHOOL BOARD CONTRACTS FOR COURSES.

(1) The school board of a union high school district or a common school district operating elementary and high school grades may contract:

(a) With the university extension division of the university of Wisconsin for extension courses for pupils enrolled in high school.

(b) With flight operator schools, approved by the U.S. civil aeronautics administration, for courses in flight instruction approved by the state superintendent.

(2) The cost of such contracts shall be paid out of the school district general fund.

SUBCHAPTER II

UNIFIED SCHOOL DISTRICTS

120.40 APPLICABILITY. This subchapter applies to unified school districts.

120.41 COMPOSITION OF SCHOOL BOARD.

(1) A school board of a unified school district may have 5, 7 or 9 members.

(2) The number of school board members may be changed in accordance with s. 120.02 (1). A plan of apportionment of school board members may be adopted in accordance with s. 120.02 (2).

120.42 ELECTION OF SCHOOL BOARD MEMBERS.

(1) (a) Except as provided in par. (b), school board members in a unified school district shall be electors of the school district and shall be elected at large, at large to numbered seats or at large to an apportioned election district area by a plurality vote of the electors of the school district. School board members in a unified school district shall be elected under s. 120.06 at the spring election. All candidates for school board seats shall file a declaration of candidacy as provided in s. 120.06 (6) (b).

(b) School board members in a unified school district that encompasses a city with a population greater than 150,000 but less than 500,000 shall be elected at large to numbered seats.

(2) The regular terms of school board members shall be for 3 years. School board members elected for regular or unexpired terms shall take office, if they have taken and filed the official oath, on the 4th Monday in April. Elections to fill unexpired terms shall be held simultaneously with the elections for regular terms. In school districts electing members of the school board at large, the regular terms shall be filled by the appropriate number of candidates receiving the highest number of votes and the unexpired terms shall be filled by the appropriate number of candidates receiving the next highest number of votes.

(3) All vacancies shall be filled by appointment, in accordance with s. 17.26 (1).

(4) If a school district votes, pursuant to s. 120.02 (4) to adopt a plan requiring school board members to be elected to numbered seats, the school board shall, at its first meeting after the adoption of such plan, assign a number to each seat on the school board. Thereafter candidates for school board membership shall file as candidates for a particular numbered seat on the school board.

UNIFIED SCHOOL DISTRICTS

GENERAL CHARACTERISTICS

1. The unified school district does not have an annual meeting. The unified school district board has the powers and duties of the school board and annual meeting in a common school district except the authorization of long-term debts.

2. The 5, 7, or 9 member board is elected at large according to an apportionment plan or to numbered seats (s. 120.02).

3. The unified school district is fiscally independent of the town boards, village boards and city councils. Unified districts budget on a July 1 to June 30 fiscal year.

120.43 SCHOOL BOARD MEETINGS.

(1) Annually, on or within 30 days after the 4th Monday in April, the school board shall elect a school district president, vice president, clerk and treasurer from among its members and a school board secretary who need not be a member of the school board.

(2) The school board shall meet at least once each month and at other times upon the call of the school district president or upon the filing of a request with the school district clerk signed by a majority of the school board members.

(3) Each school board member may be paid an annual salary or an amount fixed by the school board for each school board meeting the member actually attends.

(4) Proceedings of the school board shall be published in accordance with s. 120.11 (4).

120.44 SCHOOL BOARD POWERS AND DUTIES.

(1) A unified school district is a body corporate with the power to sue and be sued, to levy and collect taxes, to acquire, hold and dispose of property and to do all other things reasonable for the performance of its functions in operating a system of public education.

(2) The public schools of a unified school district shall be under the management, control and supervision of a school board. The school board shall have the powers and duties of the school board and annual meeting in a common school district. The officers of a unified school district have the powers and duties of the officers of a common school district. No annual meeting shall be held in a unified school district. The school board shall not, in the name of the school district, issue bonds or incur other indebtedness without approval of the electors of the school district in any instance where the school board of a common school district is not authorized to do so.

(3) Notwithstanding sub. (1), beginning in 1997 the school board of a unified school district is subject to s. 120.12 (3) (e) 3.

CITY OF THE FIRST CLASS

Chapter 119 of the Wisconsin statutes applies only to cities of the first class and the only such city in Wisconsin is the City of Milwaukee. Management of the school system is vested in a 9-member board of education.